

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

YASMEEN H. AL-FAROUK,

Plaintiff,

vs.

JADE BUTAY, IN HIS CAPACITY AS  
CURRENT DIRECTOR, ANNE PERREIRA-  
EUSTAQUIO, IN HER CAPACITY AS  
FORMER DIRECTOR, DEBRA DAWN, IN  
HER CAPACITY AS APPEALS OFFICER,  
AND GOVERNOR JOSHUA BOOTH GREEN,  
AS HEAD OF STATE AGENCIES IN  
HAWAII,

Defendants.

CIV. NO. 23-00385 LEK-KJM

**ORDER DISMISSING CASE WITH PREJUDICE**

On September 17, 2023, pro se Plaintiff Yasmeen H. Al-Farouk ("Plaintiff") filed a Complaint for Violation of Civil Rights, and on September 18, 2023, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs ("Application"). [Dkt. nos. 1, 5.] On September 28, 2023, Plaintiff filed a First Amended Complaint for Violation of Civil Rights ("First Amended Complaint"). [Dkt. no. 6.] On October 13, 2023, this Court issued an order dismissing Plaintiff's First Amended Complaint with leave to amend, and reserving ruling on Plaintiff's Application. [Dkt. no. 13.<sup>1</sup>] The

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<sup>1</sup> The order is also available at 2023 WL 6796200.

deadline for Plaintiff to file her second amended complaint was December 12, 2023. [Id. at 11-12.]

As of the date of this Order, Plaintiff has neither filed a second amended complaint nor requested an extension of the filing deadline. Because Plaintiff has not identified any circumstance which constitutes good cause warranting an extension of the December 12, 2023 deadline, this Court has the discretion to dismiss the Complaint with prejudice. See Yourish v. Cal. Amplifier, 191 F.3d 983, 988 (9th Cir. 1999) (holding that the plaintiff's failure to comply with a minute order setting forth the deadline to file the amended complaint gave the district court the discretion to dismiss the case under Fed. R. Civ. P. 41(b)),<sup>2</sup> *superseded by statute on other grounds as recognized in Martinez v. Bruce P.*, Case No.: 1:22-cv-01134 JLT-SKO, 2023 WL 5488343, at \*1 (E.D. Cal. Aug. 24, 2023). After weighing the five dismissal factors set forth in Dreith v. Nu Image, Inc., 648 F.3d 779, 788 (9th Cir. 2011),<sup>3</sup> this Court finds

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<sup>2</sup> Fed. R. Civ. P. 41(b) states, in pertinent part: "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."

<sup>3</sup> The Ninth Circuit has

identified five factors that a district court must consider before dismissing a case . . . :  
(1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
(. . . continued)

that the public interest in the expeditious resolution of this litigation and this Court's interest in managing the docket strongly outweigh the policy favoring disposition of Plaintiff's claims on the merits. Moreover, the defendants will not be prejudiced by the dismissal because Plaintiff did not serve the First Amended Complaint, and there are no less drastic alternatives available at this time.

The claims in Plaintiff's First Amended Complaint, which this Court previously dismissed without prejudice, are HEREBY DISMISSED WITH PREJUDICE. This Court DIRECTS the Clerk's Office to enter final judgment and close the case on **January 4, 2024**, unless Plaintiff files a timely motion for reconsideration of this Order as provided for in the Local Rules of Practice for the United States District Court for the District of Hawaii.

IT IS SO ORDERED.

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manage its docket; (3) the risk of prejudice to the other party; (4) the public policy favoring the disposition of cases on their merits; and (5) the availability of less drastic sanctions.

Dreith, 648 F.3d at 788 (citations and quotation marks omitted).

DATED AT HONOLULU, HAWAII, December 20, 2023.



/s/ Leslie E. Kobayashi  
Leslie E. Kobayashi  
United States District Judge

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